

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>Richard L. Mullins</b>	)	
Claimant	)	
VS.	)	
	)	Docket No. 181,264
<b>Clasen-Morse Chevrolet, Inc.</b>	)	
Respondent	)	
AND	)	
	)	
<b>Universal Underwriters Group</b>	)	
Insurance Carrier	)	

**ORDER**

**ON** the 2nd day of November, 1993, the respondent's application for review by the Appeals Board of the October 4, 1993, Order entered herein by Administrative Law Judge Alvin E. Witwer came regularly on for oral argument by telephone conference.

Claimant appeared by his attorney, Michael R. Wallace, Overland Park, Kansas; respondent and insurance carrier appeared by their attorney, Gary Terrill, Overland Park, Kansas. There were no other appearances.

**ISSUES**

- (1) Whether claimant met with personal injury by accident arising out of in the course of his employment with the respondent on June 29, 1993.
- (2) The standard of review of this Board.

**RECORD**

- (1) The documents filed of record with the Division in this docketed matter including the transcript of preliminary hearing before Judge Witwer dated October 1, 1993, and exhibits attached thereto.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon the evidence presented and for purposes of preliminary hearing, the Board finds:

- (1) Claimant met with personal injury by accident arising out of and in the course of his employment with the respondent on June 29, 1993.
- (2) Claimant is entitled to additional medical treatment at the expense of the respondent/insurance carrier

under the direction of Geoffrey L. Blatt, M.D.

(3) Claimant is entitled to temporary total disability compensation at the rate of \$299 per week commencing August 30, 1993, and continuing until the claimant is released to substantial and gainful employment, has reached maximum medical improvement or until further order.

(4) The standard of review is de novo on the record as indicated by the 1993 Session Laws of Kansas, Chapter 286, and a reading of the entire Workers Compensation Act. Also see Reeves v. Equipment Service Industries, Inc., 245 Kan. 165, 777 P. 2d 765 (1989).

**WHEREFORE**, it is the finding, decision and order of this Board that the Order of Administrative Law Judge Alvin E. Witwer of October 4, 1993, is affirmed in all respects.

IT IS SO ORDERED.

Dated this \_\_\_\_\_ day of November, 1993.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

cc: Michael R. Wallace, 8655 College Boulevard, Overland Park, Kansas 66210  
Gary Terrill, 10111 West 87th Street, P.O. Box 12290, Overland Park, Kansas 66282  
Alvin E. Witwer, Administrative Law Judge